

This brochure is intended to provide information regarding protective orders for victims of domestic violence. It contains only general information. The situation for each individual is different, and there are many exceptions. Protective Orders can provide you with legal protection, but they cannot necessarily protect you from a bullet or a knife. To protect yourself from a violent act, you should develop and follow a safety plan. It is important to get further information from your domestic violence service agency, victim/witness program, sexual assault service agency, and/or discuss your situation with the Juvenile and Domestic Relations Intake Officer in your area. To obtain their contact information, please call the *toll free Statewide Domestic Violence Hotline at 1-800-838-8238*.

What is a Protective Order?

It is a legal order issued by a magistrate or the judge to protect one person from physical abuse or threatening behavior by another. A protective order is issued in cases of domestic violence and stalking to protect the health and safety of an abused person and his/her family or household members.

What is Domestic Violence?

Domestic violence is called family abuse in the Virginia Code (Virginia law). "Family abuse" means any act involving violence, force, or threat, including, but not limited to, any forceful detention, which results in bodily injury or places a person in reasonable fear of bodily injury. To be considered a victim of domestic violence, or family abuse, the abuser *MUST* be the victim's family or household member.

If you are a victim of domestic violence, please also refer to the brochure "An Informational Guide for Victims of Domestic Violence in Virginia: Understanding the Legal Process."

Who are Considered Family or Household Members?

"Family or household members" include: a spouse or ex-spouse, whether or not they live together; parents, children, step-parents, step-children, siblings, grandparents, and grandchildren, whether or not they live together; in-laws, who live in the same home; co-habitants and those who have co-habitated in the past year and their children; and persons who have a child in common, whether or not they live together.

You are eligible for a Family Abuse Protective Order ONLY when a family or household member has committed domestic violence against you.

What is Stalking?

Stalking involves any person who, on more than one occasion, engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that person's family or household members.

If you are a victim of stalking, please refer to the brochures "Protective Orders: A Guide for Victims of Stalking" and "Stalking: A Guide for Victims," for further information.

The Three Types of Family Abuse Protective Orders

- ➣ Emergency Protective Order
- ➢ Preliminary Protective Order
- ➣ Final Protective Order

Emergency Protective Order (EPO)

What can an EPO do?

An EPO *may:* (1) legally order the abuser to stop the abusive or threatening behavior; (2) prohibit the abuser from contacting you at home, at work, or by phone; (3) order the abusive person removed from the home you share with him or her; (4) provide other relief necessary for your protection.

What do I have to do?

You must obtain an EPO as soon as possible after you have been assaulted or threatened.

Where do I get one?

You can ask a law enforcement officer (police or sheriff) or a magistrate for an EPO. A magistrate is an officer of the court that can issue protective orders and warrants. Law enforcement officers can call a magistrate or a judge for an EPO if they believe that domestic violence has occurred and will probably occur in the near future. You can also request an EPO in person at the Office of the Magistrate or the Juvenile and Domestic Relations Court in the locality in which the abuse occurred. If the EPO is granted, you will be given a copy of the order. A law enforcement officer will give the abuser a copy of the protective order so that the abuser is aware of the conditions, and the order will *then* be considered "in effect."

How long does it last?

An EPO lasts for **72 hours** or until the next scheduled court day, whichever is later. If you want your Protective Order to continue, you must go to the Intake Office of the Juvenile and Domestic Relations Court and petition for a Preliminary Protective Order **before** the EPO expires.

Preliminary Protective Order (PPO)

What can a PPO do for me?

A PPO *may:* (1) legally order the abuser to stop abusive or threatening behavior; (2) prohibit the abuser from contacting you at home, at work, or by phone; (3) order the abusive person removed from the home you share with him or her; (4) grant exclusive possession, but not title, of the home and/or jointly owned car to you; (5) grant temporary custody and visitation of the children; and/or (6) provide other relief necessary for your protection.

What do I have to do?

You must obtain a PPO within a short time after you have been assaulted or threatened. You do not have to have an EPO to get a PPO. The abuser does not have to be at the hearing.

Where do I get one?

To ask (petition) for a PPO, go to the Intake Office for the Juvenile and Domestic Relations Court in the locality in which the abuse occurred. A judge will decide if the Preliminary Protective Order will be granted, based on your sworn statement.

How long does it last?

The PPO lasts for *up to 15 days*. At the PPO hearing, a date for a hearing on the final Protective Order is set.

Protective Order (PO)

What can a PO do for me?

A final PO *may:* (1) legally order the abuser to stop abusive or threatening behavior; (2) prohibit the abuser from contacting you at home, at work, or by phone; (3) order the abusive person removed from the home you share with him or her; (4) grant temporary custody and visitation of the children; (5) require the abuser to pay for you and the children to live in another house; (6) grant exclusive possession, but not title, of the home and/or jointly owned car to you; (7) require the abuser to go to treatment or counseling; and/or (8) provide other relief necessary for your protection.

Protective Order (PO) Continued

What do I have to do?

You must attend the final Protective Order hearing, which is scheduled at the time of your Preliminary Protective Order hearing. The judge will subpoen the abuser to be at the PO hearing. Both you and the abuser will be asked to describe what happened.

Where do I get one?

The PO hearing will be located at the Juvenile and Domestic Relations Court in the locality in which the abuse occurred.

How long does it last?

A Protective Order may last up to two years.

Protective Orders are Free

There is no charge for petitioning for a protective order, filing copies of a protective order, or having the order served on the abuser.

Do I Need Legal Representation for a Protective Order?

No. You do not need an attorney to file for a protective order. However, there are often free legal services available for low-income victims who would like to obtain a protective order. Many area domestic violence service agencies have free attorneys and victim advocates available for victims who would like a Protective Order. Local Legal Aid offices also assist victims in obtaining protective orders. All local Juvenile and Domestic Relations District Courts have court services units to assist victims in obtaining protective orders. To find out more about the services available in your area, please call the *toll free Statewide Domestic Violence Hotline at 1-800-838-8238*.

Do I Have to Press Charges to Get a Protective Order?

No. A protective order is a civil order, and is not the same as pressing criminal charges. You may press criminal charges against the abuser, in addition to petitioning for a family abuse protective order, but you do not have to press charges in order to get a protective order. If the abuser violates a protective order, he or she can be sent to jail. It should be noted that stalking protective orders do require that a warrant for the stalker's arrest be obtained for the victim to be eligible for the stalking protective order.

Is a Protective Order from Another State Valid in Virginia? If I go to Another State, Will my Virginia Protective Order be Valid in that State?

The answer to both questions is yes. Federal Law requires states to enforce each other's Protective Orders. To prevent confusion or delay in enforcing the order by law enforcement, you can register a certified copy of your order with the Juvenile and Domestic Relations Court in the city or county where you will be visiting or residing.

How to Make Sure Protective Orders Work for You

- ➢ Follow all the conditions and terms stated in your protective order.
- ➣ Go to all the scheduled hearings.
- Report any violations of the protective order to law enforcement immediately.
- * Carry a copy of the protective order with you at all times and show it to law enforcement if it is violated.
- ➢ Avoid deliberate contact with the abuser.
- > Develop a safety plan with your domestic violence service agency or victim/witness program.

Summary

Protective Orders are a valuable tool, which victims of domestic violence can use to help protect them from abuse. However, victims of domestic violence should also develop their own personal safety plans. If you have questions about your options or need help, please call the *toll free Statewide Domestic Violence Hotline at 1-800-838-8238*.

If you would like to get copies of the above mentioned brochures "An Informational Guide for Victims of Domestic Violence in Virginia: Understanding the Legal Process," "Protective Orders: A Guide for Victims of Stalking," and/or "Stalking: A Guide for Victims," please contact the Virginia Department of Criminal Justice Services Crime Victims Services Section at (804) 786-4000.

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